



Staff Report

INTRODUCTION OF ORDINANCE REPEALING BELMONT MUNICIPAL CODE SECTIONS 16-1 to 16-9 AND 17-1 to 17-6 RELATING TO PARKS AND RECREATION COMMISSION AND PLANNING COMMISSION

Honorable Mayor and Council Members:

Summary

Staff recommends that the City Council introduce an ordinance repealing ordinances 16-1 to 16-9 and 17-1 to 17-6 of the Municipal Code relating to the Parks and Recreation Commission and the Planning Commission, because these ordinances were revised and recodified in sections 2-170 to 2-177 and 2-160 to 2-164, respectively, of the Municipal Code.

Background & Discussion

In 2002, staff extensively revised Chapter 2 of the Belmont Municipal Code, relating to city offices, personnel, purchasing, and provisions relating to various city commissions, including the Parks and Recreation Commission and the Planning Commission. However, sections 16-1 to 16-9 and 17-1 to 17-6 of the Code were not repealed, even though the new sections replaced those sections. All of the provisions of the old sections were reflected in the new sections.

Fiscal Impact

There is no fiscal impact from this proposed repeal.

General Plan/ Vision Statement Compliance

Not applicable.

Recommendation

Staff recommends that the City Council introduce the attached ordinance repealing sections 16-1 to 16-9 and 17-1 to 17-6 of the Belmont Municipal Code.

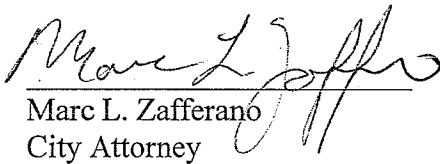
Alternatives

1. Do not repeal the existing sections;
2. Make additional changes in Chapter 2.

Attachments

- A. Belmont Municipal Code sections 2-160 through 2-164
- B. Belmont Municipal Code sections 2-170 to 2-177
- C. Belmont Municipal Code sections 16-1 to 16-9
- D. Belmont Municipal Code sections 17-1 through 17-6

- E. Proposed Ordinance repealing Belmont Municipal Code sections 16-1 to 16-9 and 17-1 to 17-6.


Marc L. Zafferano
City Attorney

ATTACHMENT A

Belmont Municipal Code sections 2-160 through 2-164

ARTICLE VIII. PLANNING COMMISSION**Sec. 2-160. Commission created; composition.**

There is hereby created a planning commission consisting of seven (7) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-161. Terms of planning commissions; vacancies.

A majority of the regular voting members of the commission shall constitute a quorum. Members of the planning commission shall serve a term of three (3) years. The city council shall appoint planning commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February except that in making appointments for 2005, the city council shall appoint two (2) commissioners to serve terms of three (3) years and two (2) commissioners to serve terms of two (2) years. Vacancies in the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission. Absence from three (3) consecutive regular meetings, without the approval of the commission shall be deemed to constitute retirement of such member and the office may be declared vacant by the commission.

(Ord. No. 978, § 1, 3-26-02; Ord. No. 1004, § 1, 12-28-04)

Sec. 2-162. Powers and duties of commission.

It shall be the function and duty of the planning commission to do all things necessary and proper within its jurisdiction to carry out the intent and purposes of the state Government Code, and when so required, to perform such other acts and do all manner of things which it may be lawfully required to do or perform as set forth in the City's ordinances.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-163. Subdivision ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the subdivision ordinance of the city, being Ordinance Number 530, adopted March 8, 1974, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-164. Zoning ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the zoning ordinance of the city, being Ordinance Number 360, adopted

March 27, 1967, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

(Ord. No. 978, § 1, 3-26-02)

Secs. 2-165--2-169. Reserved.

ATTACHMENT B

Belmont Municipal Code sections 2-170 to 2-177

ARTICLE IX. PARKS AND RECREATION COMMISSION**Sec. 2-170. Commission created; composition.**

There is hereby created a parks and recreation commission consisting of nine (9) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Two of the nine (9) commissioners shall be at least thirteen (13) years old, and no more than seventeen (17) years old at the time of appointment (i.e., "youth commissioners") and must present parental consent to be considered for appointment. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-171. Terms of recreation and park commissioners; vacancies.

Youth commissioners shall be appointed for one (1) year. All other appointments shall be for a term of two (2) years. All terms shall commence on the first day of March and end on the last day of February. Vacancies in the commission occurring otherwise than by expiration of term of office shall be filled in the manner herein set forth for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-172. Officers of commission.

At the first regular meeting, following the first day of March of each year, or as soon thereafter as possible, the members of the commission shall elect from their members a chairman and a vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Such officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-173. Commission rules of procedure; meetings.

The regular meetings of the commission shall be held at a date and time set by the commission. Notice of commission meetings shall be given as required by the Government Code.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-174. Quorum for commission; effect of absences.

A majority of the regular members shall constitute a quorum. Absence from three (3) consecutive regular meetings, without the approval of the commission, shall be deemed to constitute retirement of such member and the office may be declared vacant.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-175. Commission minutes.

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk and the recreation and park department. Copies shall be made available to members of the city council.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-176. Commission powers and duties.

The powers and duties of the commission shall be to:

- (1) Act in an advisory capacity to the city council in all matters pertaining to the city recreation and park department and to cooperate with other governmental agencies and civic groups in the advancement of sound planning of recreational areas and facilities and for such programs.
- (2) Formulate policies on city recreation for approval of the city council.
- (3) Advise with the recreation and park department on problems for development of recreational areas, facilities, parks and programs.
- (4) Recommend the adoption of standards for organization, personnel, areas, facilities, parks, programs and financial support of such recreational and parks activities.
- (5) Make periodic inventories of recreational services and facilities and parks that exist or may be needed, and interpret such matters to the public, to the city council and recreation and park department.
- (6) Aid in coordinating recreation and park services with any program of other governmental agencies and voluntary civic organizations.
- (7) Act in an advisory capacity with the recreation and park department in the preparation of the annual budget and long-range recreation and park capital improvement program.
- (8) Perform such other duties as may be assigned to the commission by the city council.

(Ord. No. 978, § 1, 3-26-02)

Sec: 2-177. Use of twin pines property.

Upon acquisition by the city of seventeen and twelve-hundredths (17.12) acres, more or less of land known as a portion of Twin Pines Property and existing buildings thereon, said property shall be used solely for open space and park and recreation purpose.

(Ord. No. 978, § 1, 3-26-02)

Secs. 2-178, 2-179. Reserved.

ATTACHMENT C

Belmont Municipal Code sections 16-1 to 16-9

ARTICLE I. IN GENERAL**Sec. 16-1. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission shall mean the recreation and park commission herein established.

(Code 1961, § 2.42; Ord. No. 807, 3-14-89)

Sec. 16-2. Commission created; composition.

The recreation and park commission shall consist of nine (9) members. The following requirements shall be met for appointment:

- (1) All nine (9) members of the commission shall be appointed by the city council.
- (2) Commissioners shall be residents of the City of Belmont throughout their term.
- (3) Two (2) of the nine (9) commissioners shall be at least thirteen (13) years old, and no more than seventeen (17) years old at the time of appointment (i.e., "youth commissioners") and must present parental consent to be considered for appointment.
- (4) Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Code 1961, § 2.43; Ord. No. 807, 3-14-89; Ord. No. 977, § 1, 11-27-01)

Sec. 16-3. Terms of recreation and park commissioners; vacancies.

Youth commissioners shall be appointed for one (1) year. All other appointments shall be for a term of two (2) years. All terms shall commence on the first day of March and end on the last day of February. Vacancies in the commission occurring otherwise than by expiration of term of office shall be filled in the manner herein set forth for the unexpired term of the commissioner ceasing to be a member of the commission.

(Code 1961, § 2.44; Ord. No. 487, § 5, 7-10-72; Ord. No. 740, § 2, 11-12-85; Ord. No. 807, 3-14-89; Ord. No. 977, § 1, 11-27-01)

Sec. 16-4. Officers of commission.

At the first regular meeting, following the first day of March of each year, or as soon thereafter as possible, the members of the commission shall elect from their members a chairman and a vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Such officers shall hold office for one (1) year or until their successors are elected.

(Code 1961, § 2.45; Ord. No. 807, 3-14-89)

Sec. 16-5. Commission rules of procedure; meetings.

The commission shall adopt rules and regulations to govern its procedure, and shall meet the first Wednesday of each month at 7:30 p.m. at Twin Pines Senior and Community Center, and shall determine the manner in which special meetings may be held and the notice thereof to be given.

(Ord. No. 807, 3-14-89; Ord. No. 977, § 1, 11-27-01)

Sec. 16-6. Quorum for commission; effect of absences.

A majority of the regular members shall constitute a quorum. Absence from three (3) consecutive regular meetings, without the approval of the commission, shall be deemed to constitute retirement of such member and the office may be declared vacant.

(Code 1961, § 2.47; Ord. No. 807, 3-14-89)

Sec. 16-7. Commission minutes.

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk and the recreation and park department. Copies shall be made available to members of the city council.

(Code 1961, § 2.48; Ord. No. 807, 3-14-89)

Sec. 16-8. Commission powers and duties.

The powers and duties of the commission shall be to:

- (a) Act in an advisory capacity to the city council in all matters pertaining to the city recreation and park department and to cooperate with other governmental agencies and civic groups in the advancement of sound planning of recreational areas and facilities and for such programs.
- (b) Formulate policies on city recreation for approval of the city council.
- (c) Advise with the recreation and park department on problems for development of recreational areas; facilities, parks and programs.
- (d) Recommend the adoption of standards for organization, personnel, areas, facilities, parks, programs and financial support of such recreational and parks activities.
- (e) Make periodic inventories of recreational services and facilities and parks that exist or may be needed, and interpret such matters to the public, to the city council and recreation and park department.
- (f) Aid in coordinating recreation and park services with any program of other governmental agencies and voluntary civic organizations.
- (g) Act in an advisory capacity with the recreation and park department in the preparation of the annual budget and long-range recreation and park capital improvement program.
- (h) Perform such other duties as may be assigned to the commission by the city council.

(Code 1961, § 2.49; Ord. No. 807, 3-14-89)

Sec. 16-9. Use of Twin Pines Property.

Upon acquisition by the city of seventeen and twelve-hundredths (17.12) acres, more or less of land known as a portion of Twin Pines Property and existing buildings thereon, said property shall be used solely for open space and park and recreation purpose.

(Ord. No. 500, 4-25-73)

Secs. 16-10--16-20. Reserved.

ATTACHMENT D

Belmont Municipal Code sections 17-1 through 17-6

ARTICLE I. IN GENERAL*

***Note:** See the editor's note to Art. II of this chapter.

Sec. 17-1. Commission established.

Under and pursuant to the provisions of the Government Code of the state, a planning commission is hereby created and established in and for the city.

(Code 1961, § 2.39)

State law references: Planning commissions generally, Gov. Code, § 65150.

Sec. 17-2. Composition of commission; appointment.

The planning commission shall consist of seven (7) members, each of whom shall be an elector of the city, and who shall be appointed by the city council. The city manager, the city engineer, the city attorney and city planner, during their respective official tenures, shall be advisory members of the commission without vote.

(Code 1961, § 2.40; Ord. No. 486, § 2, 7-10-72)

Sec. 17-3. Terms of planning commissions; vacancies.

Members of the planning commission shall serve a term of three (3) years without compensation. The terms of the present members of the commission (as of September 30, 1985) are extended to the last day of the month of February following the last day of the month of September upon which the terms to which they were appointed expire. The present members of the commission shall continue in office for the terms to which they were appointed and as extended. Thereafter, the city council shall appoint planning commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February. Vacancies in the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Code 1961, § 2.41.1; Ord. No. 487, § 3, 7-10-72; Ord. No. 658, § 1, 7-9-79; Ord. No. 740, § 1, 11-12-85)

Sec. 17-4. Powers and duties of commission.

It shall be the function and duty of the planning commission to do all things necessary and proper within its jurisdiction to carry out the intent and purposes of the state Government Code, and when so required, to perform such other acts and do all manner of things which it may be lawfully required to do or perform. The planning commission shall not incur, allow or permit to accrue any debt or liability, exclusive of the expenditure of gifts, in excess of available funds appropriated for its purposes by the city council.

(Code 1961, § 2.41)

Sec. 17-5. Subdivision ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the subdivision ordinance of the city, being Ordinance Number 530, adopted March 8, 1974, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

Cross references: Streets and sidewalks generally, ch. 22.

State law references: Subdivision Map Act, Bus. & Prof. Code, § 11500 et seq.; ordinance required, Bus. & Prof. Code, § 11525.

Sec. 17-6. Zoning ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the zoning ordinance of the city, being Ordinance Number 360, adopted March 27, 1967, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

State law references: Zoning generally, Gov. Code, § 65800 et seq.; scope of municipal authority, Gov. Code, § 65850.

Secs. 17-7--17-20. Reserved.

ATTACHMENT E

Proposed Ordinance repealing Belmont Municipal Code sections 16-1 to 16-9 inclusive
and 17-1 to 17-6 inclusive.

ORDINANCE NO. _____

ORDINANCE REPEALING SECTIONS 16-1 THROUGH 16-9 INCLUSIVE
RELATING TO PARKS AND RECREATION COMMISSION AND
SECTIONS 17-1 THROUGH 17-6 INCLUSIVE RELATING TO PLANNING
COMMISSION OF CHAPTERS XVI AND XVII OF THE BELMONT
MUNICIPAL CODE

The City Council of the City of Belmont does ordain as follows:

SECTION 1: Sections 16-1 through 16-9 inclusive of Chapter XVI, Article I of The Belmont Municipal Code are hereby repealed.

SECTION 2: Sections 17-1 through 17-6 inclusive of Chapter XVII, Article I of The Belmont Municipal Code are hereby repealed.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this _____ day of _____, 2006.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2006.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

Mayor of the City of Belmont

ATTEST:

Clerk of the City of Belmont